

ke

Notice of Allowability

Application No.

10/690,444

Examiner

Heba Elkassabgi

Applicant(s)

ZADIG, STEPHEN J.

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/27/2004.
2. ☒ The allowed claim(s) is/are 1, 3-7 and 9-33.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 07/27/2004 is being considered by the examiner. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement.

Drawings

The drawings filed on 10/21/2003 are acceptable subject to correction of the informalities as indicated in previous office action. Formal drawings are requested in order to avoid abandonment of this application; correction is required in reply to the Office action. The correction will not be held in abeyance.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

In regards to independent claim 1, prior art does not disclose a wave energy converter having a support structure fixed to a floor of a body of water having a piston assembly having a housing that forms a chamber containing an amount of pressurized fluid and having a first end attached to the support structure and a second end. In which a piston that is slidably disposed within a chamber and a piston rod that is attached to the piston and that extends from the second end of the housing. In combination with hydraulic driven power generator that is fluidly coupled to at least one reservoir and receives and utilizes

Art Unit: 2834

pressurized fluid to generator electrical power and a control system that is adapted to monitor water conditions and to control operation of the wave energy converter based upon the monitored water conditions by selectively controlling a flow of the pressurized fluid in the wave energy converter.

In regards to independent claims 22 and 31, the prior art does not disclose a wave energy converter having a support structure fixed to a floor of a body of water having a piston assembly having a housing that forms a chamber containing an amount of pressurized fluid and having a first end attached to the support structure and a second end. In which a piston that is slidably disposed within that chamber and a piston rod that is attached to the piston and that extends from the second end of the housing. In combination, with a wave power generator having a hydraulic driven power generator that receives the discharged pressurized fluid from the chamber and utilizes the pressurized fluid to generate electrical power and a control power system that is communicatively coupled to the hydraulic assembly and that is adapted to monitor water conditions and to cause the hydraulic assembly to dynamically adjust the length of the support structure based on the monitored water conditions as further disclosed in the specification on pages

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

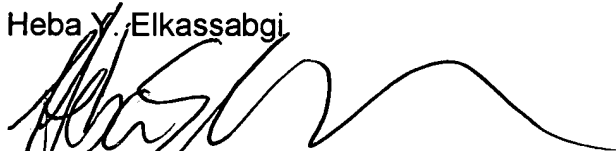
Art Unit: 2834

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (571) 272-2023. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heba Y. Elkassabgi



United States Patent and Trademark Office
Patent Examiner AU 2834



Nicholas Ponomarenko
Primary Examiner
Technology Center 2800